
Local Government & Housing Committee

HB 1887

Brief Description: Concerning diking districts.

Sponsors: Representative Takko.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Specifies provisions regarding public bidding for contracts and annexation of new territory in diking districts.
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Hearing Date: 2/12/09

Staff: Sara del Moral (786-7291) and Thamas Osborn (786-7129)

Background:

Diking Districts.

A diking district (district) is charged with constructing and maintaining a system of dikes. Among other things, it has the authority to straighten, widen, and deepen waterways considered a flood threat. It may construct dikes, drains, ditches, and other infrastructure to reduce flood risk.

Public Bidding for Contracts.

A special district undertaking a public improvement costing less than \$5,000 may forgo a public bidding process. It may use district employees or volunteer labor and equipment for construction. In the event that volunteer labor or equipment is used, the district may provide reimbursement for actual expenses.

Summary of Bill:

Public Bidding for Contracts.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The term "special district" is changed to "diking district."

For projects costing at least \$50,000, the district must receive at least three formal bids. This requirement does not apply in cases where three bidders are not available or where the contract price is less than \$5,000.

However, a district may, in all cases:

- use volunteer labor and equipment, providing reimbursement for actual expenses; or
- enter an interlocal agreement for construction or maintenance.

Public Bidding Procedures.

A public bidding process is required for contracts for labor, materials, construction, or maintenance.

At least 14 days before the submission deadline, a notice calling for proposals must be published in a newspaper at least once.

New requirements are specified for bidders. They must:

- make bids in writing;
- file bids at a location specified in the notice; and
- submit a deposit equal to 5 percent of the total proposed project cost.

The district governing body must:

- open and read bid proposals in public at a time and location specified in the notice; and
- file bids in its official records and make them publicly available.

A successful bidder forfeits the deposit amount if he or she fails to:

- enter a contract; and
- furnish a satisfactory performance bond within the agreed upon time frame.

In the event the district does not receive a satisfactory bid after soliciting two rounds of bids in this manner, the district may complete the project by an agreed price, as well as by force account.

Annexation Procedures.

A district must meet a number of specific requirements to annex contiguous territory. Briefly, it must:

- adopt a resolution;
- publish notice in a newspaper;
- hold a public hearing; and
- recommend the annexation to the county legislative authority.

The county legislative authority must then hold a public hearing on the proposal. After the hearing, the county legislative authority may either:

- reject the proposal; or
- approve or modify the proposal and adopt by ordinance.

Territory is considered contiguous to the district territory if it is bounded by the same river, lake or other body of water that bounds the district territory.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.